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Notice of Allowability	Application No.	Applicant(s)	
	10/698,757	JESSE ET AL.	
	Examiner	Art Unit	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/30/2006.
2. ☒ The allowed claim(s) is/are 1-8,31,33-36 and 38-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8/31/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 9. Other: Drawings submitted on 10/31/03 are acceptable to the examiner.

REQUEST FOR CONTINUED EXAMINATION

1. August 31, 2006. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/30/2006 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kristin L. Murphy on August 31, 2006.

The application has been amended as follows:

Claim 1, line 1, after "assembly", the phrase - - in combination with a three dimensional article - - has been added.

Claim 1, line 2, the word "attachable" has been changed to - - attached - -.

Claim 1, line 2, before "surface", the word - -edge- - has been inserted.

Claim 1, line 2, the phrase "a three" has been replaced by - -the three- -.

Art Unit: 1772

Claim 1, line 3, after "portion", the phrase - - and having a continuous and uninterrupted surface- - has been added.

Claim 1, lines 14-15, the phrase " a separate component" has been replaced by -
-the one edge surface of the three dimensional article- -.

Claim 31, line 1, after "assembly", the phrase - - in combination with a three dimensional article - - has been added.

Claim 31, line 2, the word "attachable" has been changed to - - attached - -.

Claim 31, line 2, before "surface", the word - -edge- - has been inserted.

Claim 31, line 2, the phrase "a three" has been replaced by - -the three- -.

Claim 31, line 3, before "roll of a ", the phrase - -surface of a roll of - - has been added.

Claim 31, line 10, after "portion", the phrase - - wherein a second adhesive is disposed on the second side of the wood portion, the second side at least partially attaches the wood portion to the one edge surface of the three dimensional article- - has been added.

Claim 32 has been cancelled.

Claim 34, lines 2 and 3, the phrase "selectively" has been deleted.

Claim 34, line 3, "a work piece" has been changed to - - the one edge surface of the three dimensional article- - .

Claim 36, line 1, after "assembly", the phrase - - in combination with a three dimensional article - - has been added.

Claim 36, line 2, the word "attachable" has been changed to - - attached - -.

Art Unit: 1772

Claim 36, line 2, before "surface", the word - -edge- - has been inserted.

Claim 36, line 2, the phrase "a three" has been replaced by - -the three- -.

Claim 36, line 3, after "portion", the phrase - - and having a continuous and uninterrupted surface- - has been added.

Claim 31, line 9, after "portion", the phrase - - wherein a second adhesive is disposed on the second side of the wood portion, the second side at least partially attaches the wood portion to the one edge surface of the three dimensional article- - has been added.

Claim 37 has been cancelled.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

A review of applicants' arguments in amendment filed on 6/30/2006 and a review of the instant amended claims has convinced the examiner that the claims are allowable over the prior art of record. The prior art fails to teach or suggest an edge band assembly in combination with a three dimensional article comprising an edge band that is attached to at least one edge surface of the article, the edge band having a wood portion and having a continuous and uninterrupted surface, a protective layer removable adhered to the first side of the wood portion by a first adhesive and a second adhesive is disposed on the second opposite side of the wood portion attaching the wood portion to the edge surface of the article, the edge can be a roll or can have stain within or on the first side.

Art Unit: 1772

Also, no evidentiary support could be provided to support the position that the claimed invention would have been obvious to one of ordinary skill in the art.

The closest prior art of Barrett (4543765) relates to floor tiles comprising a wood portion, removable protective layer, first adhesive and a second adhesive. However, Barrett fails to teach an edge band assembly in combination with a three dimensional article comprising an edge band attached to at least one edge surface of the article and is a continuous and uninterrupted surface of wood portion.

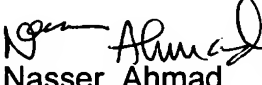
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 8/31/06
Primary Examiner
Art Unit 1772

N. Ahmad.
August 31, 2006.